

MAIN OCT 28 2002

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO DESIGNATE SEGMENTS OF OKEECHOBEE BOULEVARD BETWEEN BENOIST FARMS ROAD AND HAVERHILL ROAD AS A CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE FACILITY); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 22, March 1, and March 8, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 8, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 28, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, on August 28, 2002 the Palm Beach County Board of County

Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments as modified satisfy the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Element of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

- A. Transportation Element, To designate segments of Okeechobee Boulevard between Benoist Farms Road and Haverhill Road as a Constrained Roadway at a Lower Level of Service Facility; and
- B. Amending all elements as necessary for internal consistency.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

1 Part V. Effective Date

2 The effective date of this plan amendment shall be the date a
3 final order is issued by the Department of Community Affairs or
4 Administration Commission finding the amendment in compliance in
5 accordance with Section 163.3184, Florida Statutes, whichever occurs
6 earlier. No development orders, development permits, or land uses
7 dependent on this amendment may be issued or commence before it has
8 become effective. If a final order of noncompliance is issued by the
9 Administration Commission, this amendment may nevertheless be made
10 effective by adoption of a resolution affirming its effective status,
11 a copy of which resolutions shall be sent to the Department of
12 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
13 Boulevard, Tallahassee, Florida 32399-2100.

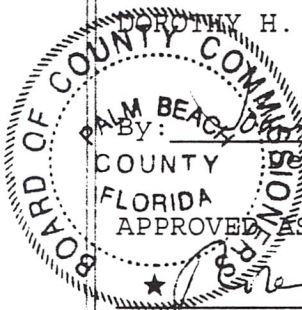
14 **APPROVED AND ADOPTED** by the Board of County Commissioners of
15 Palm Beach County, on the 28 day of August, 2002.

16 ATTEST:

17 DOROTHY H. WILKEN, Clerk

17 PALM BEACH COUNTY, FLORIDA,

18 BY ITS BOARD OF COUNTY COMMISSIONERS



19 By: [Signature]
20 COUNTY Deputy Clerk

21 By: [Signature]
22 Warren H. Newell, Chairman

23 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

24 [Signature]
25 COUNTY ATTORNEY

26 Filed with the Department of State on the 3 day
27 of September, 2002.

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EXHIBIT 1

A. Transportation Element, Okeechobee Boulevard CRALLS – Arrigo Dodge

REVISIONS: To add language in Policy 1.2-f designating segments of Okeechobee Boulevard as a CRALLS facility. The added text is shown in underlined.

1. **REVISED Policy 1.2-f:** The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. (*Unchanged text omitted for brevity*)

25) Okeechobee Boulevard from Benoist Farms Road to Haverhill Road is designated as a CRALLS facility. The LOS standard volumes shall be exclusively for the purpose of concurrency for the Arrigo Dodge car dealership. However, the CRALLS shall not be effective until right-of-way (corner clip only) has been dedicated for a new turnpike south-bound ramp at Okeechobee Boulevard (as shown in the early 2002 presentation to the MPO). This CRALLS shall remain in effect until a contract is let for the 8-lane construction of the affected segments of Okeechobee Boulevard. Mitigation for this CRALLS will be provided through a reduction in the square footage and changes in some of the approved uses for the Arrigo Dodge dealership that will result in a reduction of 500 vested daily trips. The facility's level of service standard volumes shall be as shown below:

- a) Okeechobee Boulevard from Benoist Farms Road to Skees Road:
Peak Hour Standard: 4,876 vehicles per hour
Daily Level of Service Standard: 52,426 vehicles per day
- b) Okeechobee Boulevard from Skees Road to Jog Road:
Peak Hour Standard: 5,578 vehicles per hour
Daily Level of Service Standard: 59,976 vehicles per day
- c) Okeechobee Boulevard from Jog Road to the Florida Turnpike:
Peak Hour Standard: 6,128 vehicles per hour
Daily Level of Service Standard: 65,895 vehicles per day
- d) Okeechobee Boulevard from the Florida Turnpike to Haverhill Road:
Peak Hour Standard: 6,728 vehicles per hour
Daily Level of Service Standard: 72,339 vehicles per day

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office:
on August 28, 2002
DATED at West Palm Beach, FL on 10/10/12
DOROTHY H. WILKEN, Clerk
By: Nancy Brown D.C.